

IDS - 11/02/2004

Atty. Docket No.:
7800.3564Application No.:
10/039,935

INFORMATION DISCLOSURE CITATION

(Page 1 of 6)

Applicant: Robert Eric Montgomery

Filing Date:
November 1, 2001Group:
1614

U.S. PATENT DOCUMENTS

| *Examiner Initial | Document Number | Date | Name | Class | Subclass | Filing Date (if appropriate) |
|-------------------|-----------------|---------|-------------------|-------|----------|------------------------------|
| DJ | R e 3 3 7 8 6 | 1/1992 | Pohl et al. | 8 | 406 | |
| ↓ | 1 4 3 5 4 9 8 | 11/1922 | Resnik | 424 | 53 | |
| | 3 2 8 6 9 9 2 | 11/1966 | Armeniades et al. | 259 | 4 | |
| | 3 3 7 8 4 4 4 | 4/1968 | Swanson | 167 | 88 | |
| | 3 5 7 7 5 2 1 | 5/1971 | Scheller et al. | 424 | 55 | |
| | 3 6 3 2 2 9 5 | 1/1972 | Kathleen et al. | 8 | 111 | |
| | 3 6 5 7 4 1 3 | 4/1972 | Rosenthal | 424 | 81 | |
| | 3 6 6 4 6 3 8 | 5/1972 | Grout et al. | 259 | 4 | |
| DJ | 4 0 4 1 1 4 9 | 8/1977 | Gaffar et al. | 424 | 57 | |

FOREIGN PATENT DOCUMENTS

| | Document Number | Date | Country | Class | Subclass | Translation (Yes/No) |
|----|--------------------|---------|----------------|-------|----------|----------------------|
| DJ | GB 1 4 6 9 3 9 8 | 4/1977 | United Kingdom | | | Y |
| ↓ | GB 2 2 8 9 8 4 1 A | 6/1995 | Untied Kingdom | | | Y |
| | GB 2 2 9 0 2 3 3 A | 12/1995 | United Kingdom | | | Y |
| DJ | WO 9 6 2 5 9 1 6 | 8/1996 | WIPO | | | Y |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Page, Etc.)

| | |
|----|---|
| DJ | Frysh et al., "Effect of pH on Hydrogen Peroxide Bleaching Agents," <u>Journal of Esthetic Dentistry</u> , Vol. 7, No. 3, pp. 130-133 (1995) |
| ↓ | Phillips et al., "Peroxide Penetration into the Dental Pulp from an Alkaline Bleaching Solution," IADR Abstract No. 2098, <u>J. Dent. Res.</u> , Vol. 75, p. 280 (1996) |
| | "Buyers' Guide to Whitening Systems - In Home - In Office," <u>Dentistry Today</u> , Dec. 1997 |
| | Written Opinion, PCT/US96/15366, August 29, 1997 |
| DJ | International Preliminary Examination Report, PCT/US96/15366, January 12, 1998 |

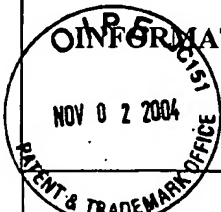

EXAMINER

/Donna Jagoe/ (04/15/2006)

DATE CONSIDERED

04/15/2006

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

| | | | | | | | | | | | | | |
|---|--|-----------------|--------------|-----------------------------------|--------------|--------------------------------|--------------|-----------------|--------------------|---------------------------------|-----|--------|---|
|  <p style="margin: 0;">INFORMATION DISCLOSURE CITATION (Page 2 of 6)</p> | | | | Atty. Docket No.: 7800.3564 | | Application No.: 10/039,935 | | | | | | | |
| | | | | Applicant: Robert Eric Montgomery | | | | | | | | | |
| | | | | Filing Date: November 1, 2001 | | Group: 1614 | | | | | | | |
| U.S. PATENT DOCUMENTS | | | | | | | | | | | | | |
| *Examiner Initial | | Document Number | | | | Date | Name | Class | Subclass | Filing Date (if appropriate) | | | |
|  | DJ | 4 | 3 | 3 | 0 | 5 | 3 | 1 | 5/1982 | Alliger | 424 | 53 | |
| | | 4 | 4 | 0 | 8 | 8 | 9 | 3 | 10/1983 | Rice | 366 | 339 | |
| | | 4 | 5 | 2 | 5 | 2 | 9 | 1 | 6/1985 | Smith et al. | 252 | 186.29 | |
| | | 4 | 5 | 3 | 8 | 9 | 2 | 0 | 9/1985 | Drake | 366 | 137 | |
| | | 4 | 5 | 4 | 0 | 5 | 0 | 4 | 9/1985 | Eoga | 510 | 117 | |
| | | 4 | 5 | 9 | 2 | 4 | 8 | 7 | 6/1986 | Simon et al. | 222 | 94 | |
| | | 4 | 6 | 3 | 2 | 5 | 6 | 8 | 12/1986 | Emele et al. | 366 | 337 | |
| | | 4 | 6 | 8 | 7 | 6 | 6 | 3 | 8/1987 | Schaeffer | 424 | 52 | |
| | | 4 | 6 | 8 | 9 | 2 | 1 | 5 | 8/1987 | Ratcliff | 424 | 53 | |
| | | 4 | 7 | 6 | 7 | 0 | 2 | 6 | 8/1988 | Keller et al. | 222 | 137 | |
| | 4 | 7 | 7 | 6 | 8 | 5 | 5 | 10/1988 | Pohl et al. | 8 | 406 | | |
| DJ | | 4 | 7 | 8 | 8 | 0 | 5 | 2 | 11/1988 | Ng et al. | 424 | 53 | |
| FOREIGN PATENT DOCUMENTS | | | | | | | | | | | | | |
| | | Document Number | | | | Date | Country | Class | Subclass | Translation (Yes/No) | | | |
| DJ | WO | 9 | 8 | 0 | 4 | 2 | 3 | 5 | 2/1998 | WIPO | | | Y |
| | EP | 0 | 5 | 3 | 5 | 8 | 1 | 6 | 4/1993 | European Pat. Off. | | | |
| | EP | 0 | 5 | 4 | 5 | 5 | 9 | 4 | 6/1993 | European Pat. Off. | | | |
| | GB | 2 | 2 | 9 | 0 | 2 | 3 | 4 | 12/1995 | United Kingdom | | | |
| DJ | WO | 9 | 7 | 1 | 1 | 6 | 7 | 6 | 4/1997 | WIPO | | | |
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Page, Etc.) | | | | | | | | | | | | | |
| DJ | Deposition of Robert E. Montgomery, August 29, 2003, <u>BriteSmile v. Discus Dental</u> , Case No. C02-03220 JSW (N.D. Calif.) | | | | | | | | | | | | |
| DJ | Defendant Discus Dental, Inc.'s Preliminary Invalidity Contentions, with Exhibits D and E thereto, September 29, 2003, <u>BriteSmile v. Discus Dental</u> , Case No. C02-03220 JSW (N.D. Calif.) | | | | | | | | | | | | |
| DJ | Production of Documents Accompanying Defendant Discus Dental, Inc.'s Preliminary Invalidity Contentions, September 29, 2003, <u>BriteSmile v. Discus Dental</u> , Case No. C02-03220 JSW (N.D. Calif.) | | | | | | | | | | | | |
| EXAMINER | | | | | | | | DATE CONSIDERED | | | | | |
| /Donna Jagoe/ (04/15/2006) | | | | | | | | 04/15/2006 | | | | | |
| <small>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.</small> | | | | | | | | | | | | | |

| | | | | | |
|---|--|-----------------------------------|--|--------------------------------|--|
| INFORMATION DISCLOSURE CITATION (Page 3 of 6) | | Atty. Docket No.: 7800.3564 | | Application No.: 10/039,935 | |
| | | Applicant: Robert Eric Montgomery | | | |
| | | Filing Date: November 1, 2001 | | Group: 1614 | |

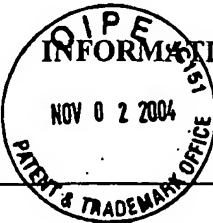

| U.S. PATENT DOCUMENTS | | | | | | | | | | | | | |
|-----------------------|-----------------|---|---|---|---|---|---|---------|-----------------|------|-------|----------|------------------------------|
| *Examiner Initial | Document Number | | | | | | | | Date | Name | Class | Subclass | Filing Date (if appropriate) |
| DJ | 4 | 8 | 1 | 2 | 1 | 7 | 3 | 3/1989 | Tsao et al. | 134 | 27 | | |
| | 4 | 8 | 3 | 7 | 0 | 0 | 8 | 6/1989 | Rudy et al. | 424 | 53 | | |
| | 4 | 8 | 9 | 1 | 2 | 1 | 6 | 1/1990 | Kross et al. | 424 | 661 | | |
| | 4 | 8 | 9 | 5 | 7 | 2 | 1 | 1/1990 | Drucker | 424 | 53 | | |
| | 4 | 8 | 9 | 7 | 2 | 5 | 8 | 1/1990 | Rudy et al. | 424 | 53 | | |
| | 4 | 9 | 0 | 2 | 4 | 9 | 8 | 2/1990 | Agricola et al. | 424 | 53 | | |
| | 4 | 9 | 4 | 1 | 7 | 5 | 1 | 7/1990 | Muhlbauer | 366 | 176 | | |
| | 4 | 9 | 5 | 2 | 0 | 6 | 8 | 8/1990 | Flint | 366 | 337 | | |
| | 4 | 9 | 7 | 0 | 0 | 5 | 8 | 11/1990 | Hills et al. | 423 | 415P | | |
| | 4 | 9 | 7 | 0 | 0 | 6 | 6 | 11/1990 | Grollier et al. | 424 | 62 | | |
| | 4 | 9 | 7 | 1 | 7 | 8 | 2 | 11/1990 | Rudy et al. | 424 | 53 | | |
| | 4 | 9 | 7 | 6 | 9 | 5 | 5 | 12/1990 | Libin | 424 | 53 | | |
| | 4 | 9 | 8 | 0 | 1 | 5 | 2 | 12/1990 | Frazier et al. | 424 | 52 | | |
| | 4 | 9 | 8 | 8 | 5 | 0 | 0 | 1/1991 | Hunter et al. | 424 | 53 | | |
| DJ | 5 | 0 | 3 | 3 | 6 | 5 | 0 | 7/1991 | Colin et al. | 222 | 137 | | |

| FOREIGN PATENT DOCUMENTS | | | | | | | | | | | | | |
|--------------------------|-----------------|---|---|---|---|---|---|----|--------|--------------------|-------|----------|----------------------|
| | Document Number | | | | | | | | Date | Country | Class | Subclass | Translation (Yes/No) |
| | EP | 0 | 8 | 6 | 2 | 4 | 0 | B1 | 2/2003 | European Pat. Off. | | | |
| DJ | EP | 1 | 3 | 1 | 4 | 4 | 1 | A2 | 5/2003 | European Pat. Off. | | | Y |

| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Page, Etc.) | |
|---|--|
| DJ | Plaintiff's Preliminary Claim Constructions and Extrinsic Evidence, November 12, 2003, <u>BriteSmile v. Discus Dental</u> , Case No. C02-03220 JSW (N.D. Calif.) |
| DJ | Deposition of John F. Witherspoon, March 8, 2004, <u>BriteSmile v. Discus Dental</u> , Case No. C02-03220 JSW (N.D. Calif.) |
| DJ | Plaintiffs' Opening Claim Construction Brief, April 26, 2004, <u>BriteSmile v. Discus Dental</u> , Case No. C02-03220 JSW (N.D. Calif.) |

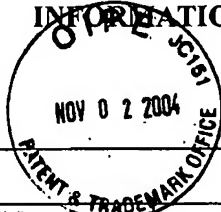
| | |
|--|-----------------------------------|
| EXAMINER /Donna Jagoe/ (04/15/2006) | DATE CONSIDERED 04/15/2006 |
|--|-----------------------------------|

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

| | | | | | | | | | | | | | | |
|---|--|-----------------------------------|---|--------------------------------|---|---|---|-----------------|-----------------|------------------|--------------------|----------|---------------------------------|-------------------------|
|  <p>PIPE INFORMATION DISCLOSURE CITATION (Page 4 of 6)</p> | | Atty. Docket No.: 7800.3564 | | Application No.: 10/039,935 | | | | | | | | | | |
| | | Applicant: Robert Eric Montgomery | | | | | | | | | | | | |
| | | Filing Date: November 1, 2001 | | Group: 1614 | | | | | | | | | | |
| U.S. PATENT DOCUMENTS | | | | | | | | | | | | | | |
| *Examiner Initial | | | | | | | | Document Number | Date | Name | Class | Subclass | Filing Date (if appropriate) | |
| DJ | | | | | | | | 5 0 5 9 4 1 7 | 10/1991 | Williams et al. | 424 | 53 | | |
|  | | | | | | | | 5 0 7 8 6 7 2 | 7/1992 | Dougherty et al. | 494 | 37 | | |
| | | | | | | | | 5 0 9 8 3 0 3 | 3/1992 | Fischer | 433 | 215 | | |
| | | | | | | | | 5 1 0 0 6 5 2 | 3/1992 | Kross et al. | 424 | 53 | | |
| | | | | | | | | 5 1 3 9 7 8 8 | 8/1992 | Schmidt | 424 | 616 | | |
| | | | | | | | | 5 1 6 5 4 2 4 | 11/1992 | Silverman | 128 | 861 | | |
| | | | | | | | | 5 1 7 1 5 6 4 | 12/1992 | Nathoo et al. | 424 | 53 | | |
| | | | | | | | | 5 1 8 0 5 7 3 | 1/1993 | Husamatsu et al. | 423 | 584 | | |
| | | | | | | | | 5 2 4 0 4 1 5 | 08/1993 | Haynie | 433 | 216 | | |
| | | | | | | | | 5 2 5 6 4 0 2 | 10/1993 | Prencipe et al. | 424 | 53 | | |
| | | | | | | | | 5 2 6 4 2 0 5 | 11/1993 | Kelly | 424 | 53 | | |
| | | | | | | | | 5 2 7 9 8 1 6 | 1/1994 | Church et al. | 424 | 53 | | |
| | | | | | | | | 5 2 8 1 4 1 2 | 1/1994 | Lukacovic et al. | 424 | 53 | | |
| DJ | | | | | | | | 5 3 0 2 3 7 4 | 4/1994 | Wagner | 424 | 52 | | |
| FOREIGN PATENT DOCUMENTS | | | | | | | | | | | | | | |
| | | | | | | | | | Document Number | Date | Country | Class | Subclass | Translation (Yes/No) |
| DJ | EP | 1 | 3 | 1 | 4 | 4 | 1 | 9 | A3 | 7/2003 | European Pat. Off. | — | — | Y |
| | | | | | | | | | | | | | | |
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Page, Etc.) | | | | | | | | | | | | | | |
| DJ | Discus Dental, Inc.'s Memorandum of Points and Authorities in Support of Its Proposed Claim Constructions and Response to BriteSmile's Opening Claim Construction Brief, May 10, 2004, <u>BriteSmile v. Discus Dental</u> , Case No. C02-03220 JSW (N.D. Calif.) | | | | | | | | | | | | | |
| DJ | BriteSmile's Reply in Support of Its Proposed Claim Construction, May 24, 2004, <u>BriteSmile v. Discus Dental</u> , Case No. C02-03220 JSW (N.D. Calif.) | | | | | | | | | | | | | |
| DJ | Dr. Nathoo and OHCS' Amended Answer to Plaintiffs' Third Amended Complaint and Amended Counterclaims, and Exhibits A to P thereto, October 5, 2004, <u>BriteSmile v. Discus Dental</u> , Case No. C02-03220 JSW (N.D. Calif.) | | | | | | | | | | | | | |
| EXAMINER | | | | | | | | | | | DATE CONSIDERED | | | |
| /Donna Jagoe/ (04/15/2006) | | | | | | | | | | | 04/15/2006 | | | |
| <p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.</p> | | | | | | | | | | | | | | |

INFORMATION DISCLOSURE CITATION

(Page 5 of 6)



Atty. Docket No.:
7800.3564

Application No.:
10/039,935

Applicant: Robert Eric Montgomery

Filing Date:
November 1, 2001

Group:
1614

U.S. PATENT DOCUMENTS

| *Examiner Initial | Document Number | Date | Name | Class | Subclass | Filing Date (if appropriate) |
|-------------------|-----------------|---------|------------------|-------|----------|------------------------------|
| DJ | 5 3 0 2 3 7 5 | 4/1994 | Viscio | 424 | 53 | |
| | 5 3 1 0 5 6 3 | 5/1994 | Curtis et al. | 424 | 616 | |
| | 5 3 7 4 3 6 8 | 12/1994 | Hauschild | 252 | 95 | |
| | 5 3 7 6 0 0 6 | 12/1994 | Fischer | 433 | 215 | |
| | 5 4 0 9 6 3 1 | 4/1995 | Fischer | 252 | 186.25 | |
| | 5 4 2 4 0 6 0 | 6/1995 | Hauschild | 424 | 52 | |
| | 5 4 2 9 2 7 7 | 7/1995 | Kopp et al. | 222 | 145.6 | |
| | 5 5 5 4 6 6 5 | 9/1996 | Tateosian et al. | 433 | 90 | |
| | 5 6 3 1 0 0 0 | 5/1997 | Pellico et al. | 424 | 53 | |
| | 5 6 4 5 4 2 8 | 7/1997 | Yarborough | 433 | 215 | |
| | 5 6 4 8 0 6 4 | 7/1997 | Gaffar et al. | 424 | 53 | |
| | 5 6 7 6 9 3 3 | 10/1997 | Hauschild | 424 | 53 | |
| DJ | 5 7 1 3 7 3 8 | 2/1998 | Yarborough | 433 | 215 | |

FOREIGN PATENT DOCUMENTS

| Document Number | Date | Country | Class | Subclass | Translation (Yes/No) |
|-----------------|------|---------|-------|----------|----------------------|
| | | | | | |
| | | | | | |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Page, Etc.)

| | |
|----|--|
| DJ | Confidentiality and Non-Disclosure Agreement, Jan. 11, 1996, Term Sheet, April 12, 1996, and 12 batch cards for two-component tooth whitening compositions, March to May 1996, Exhibit 517 from Deposition of Robert E. Montgomery, August 29, 2003, <u>BriteSmile v. Discus Dental</u> , Case No. C02-03220 JSW (N.D. Calif.) |
| DJ | Day White Formula Sheet, December 22, 1997, Exhibit S, Production of Documents Accompanying Defendant Discus Dental, Inc.'s Preliminary Invalidity Contentions, <u>BriteSmile v. Discus Dental</u> , Case No. C02-03220 JSW (N.D. Calif.) |
| DJ | Day White Formula Sheet, October 16, 1997, Exhibit T, Production of Documents Accompanying Defendant Discus Dental, Inc.'s Preliminary Invalidity Contentions, <u>BriteSmile v. Discus Dental</u> , Case No. C02-03220 JSW (N.D. Calif.) |

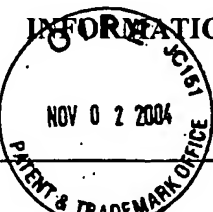
EXAMINER

/Donna Jagoe/ (04/15/2006)

DATE CONSIDERED

04/15/2006

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

| | | | | | | | |
|---|--|-----------------------------------|---------|--------------------------------|-----------------------------------|----------|---------------------------------|
|  <p style="margin: 0;">(Page 6 of 6)</p> | | Atty. Docket No.: 7800.3564 | | Application No.: 10/039,935 | | | |
| | | Applicant: Robert Eric Montgomery | | | | | |
| | | Filing Date: November 1, 2001 | | Group: 1614 | | | |
| U.S. PATENT DOCUMENTS | | | | | | | |
| *Examiner Initial | | Document Number | Date | Name | Class | Subclass | Filing Date (if appropriate) |
| DJ | | 5 7 6 6 5 7 4 | 6/1998 | Christina-Beck et al. | 424 | 53 | |
| ↓ | | 5 7 8 5 5 2 7 | 7/1998 | Jensen et al. | 433 | 215 | |
| | | 5 8 1 4 3 0 3 | 9/1998 | Williams et al. | 424 | 57 | |
| | | 5 8 1 4 6 8 1 | 9/1998 | Hind et al. | 222 | 145.5 | |
| | | 5 8 2 9 6 3 9 | 11/1998 | Horner | 222 | 137 | |
| | | 5 8 5 5 8 7 5 | 1/1999 | Williams et al. | 424 | 57 | |
| | | 5 8 5 8 3 3 2 | 1/1999 | Jensen et al. | 424 | 53 | |
| | | 5 9 0 2 5 6 8 | 5/1999 | Ryles et al. | 424 | 53 | |
| | | 5 9 2 8 6 2 8 | 7/1999 | Pellico | 424 | 49 | |
| | | 6 0 1 7 5 1 5 | 1/2000 | Van Den Boscas | 424 | 53 | |
| | | 6 0 3 6 4 9 3 | 3/2000 | Sharma | 424 | 53 | |
| DJ | | 6 1 1 6 9 0 0 | 9/2000 | Ostler | 433 | 89 | |
| FOREIGN PATENT DOCUMENTS | | | | | | | |
| | | Document Number | Date | Country | Class | Subclass | Translation (Yes/No) |
| | | | | | | | |
| | | | | | | | |
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Page, Etc.) | | | | | | | |
| DJ | Day White Whitening Instructions, undated, Exhibit U, Production of Documents Accompanying Defendant Discus Dental, Inc.'s Preliminary Invalidity Contentions, <u>BriteSmile v. Discus Dental</u> , Case No. C02-03220 JSW (N.D. Calif.) | | | | | | |
| DJ | Day White Advertising, December 1997, Exhibit V, Production of Documents Accompanying Defendant Discus Dental, Inc.'s Preliminary Invalidity Contentions, <u>BriteSmile v. Discus Dental</u> , Case No. C02-03220 JSW (N.D. Calif.) | | | | | | |
| DJ | Defendants' Answer and Counterclaims, February 6, 2004, <u>The Procter & Gamble Co. v. Oraceutical LLC, et al.</u> , Case No. C-1-03-433 | | | | | | |
| | | | | | | | |
| EXAMINER /Donna Jagoe/ (04/15/2006) | | | | | DATE CONSIDERED 04/15/2006 | | |
| <p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.</p> | | | | | | | |

IDS - 02/03/2006

Atty. Docket No.:
7800.3564

Application No.:
10/039,935

INFORMATION & DISCLOSURE CITATION

Applicant: Robert Eric Montgomery

Filing Date:
November 1, 2001

Group:
1614

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

| | | Document Number | Date | Country | Class | Subclass | Translation (Yes/No) |
|--|--|-----------------|------|---------|-------|----------|-------------------------|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Page, Etc.)

| | | |
|--|--|--|
| | | |
| | | |
| | | |
| | | |
| | | |

EXAMINER

/Donna Jagoe/ (04/15/2006)

DATE CONSIDERED

04/15/2006

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.